

REMARKS

By this amendment, claims 1-14, 16-38, and 40-50 are pending, in which claims 15 and 39 have previously been canceled without prejudice or disclaimer, and claim 47 is currently amended. Claim 47 has been amended to correct an informality. No new matter is introduced.

Given the lengthy prosecution history involving **nine** Office Actions in this application, in which prosecution was reopened **twice** after submissions of Appeal Briefs dated June 15, 2005 and Sept. 19, 2006, Applicants respectfully request that the Examiner confer more extensively with his supervisor, SPE Saleh Najjar, to advance this case, as the Examiner still fails to appreciate the merits of the claimed invention. The Examiner's continual indecision has been an expensive proposition for the Applicants, who have attempted in earnest to seek resolution of this application.

The final Office Action mailed September 13, 2007 rejected claims 1, 2, 4, 7, 16, 22-27, 29, 32, 40, and 46-49 under 35 U.S.C. § 102 (e) as anticipated by *Albert et al.* (US 6,606,316), claims 19-21 and 43-45 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316), claims 11 and 36 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Natarajan* (US 6,505,244), claims 3 and 28 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Amara* (US 6,674,743), claims 5-10, 12-14, 17, 18, 30, 31, 33-35, 37, 38, 41, and 42 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gai* (US 6,167,445), and claim 50 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gai* (US 6,167,445), and in further view of *Amara* (US 6,674,743).

Except for the apparent withdrawal of the rejection under 35 U.S.C. § 112, the Examiner repeats the rejections and the rationale therefor made in the Office Action of July 11, 2007. Applicants, therefore, maintain their arguments set forth at pages 13-17 of the response of August 17, 2007 and incorporate those arguments by reference herein, responding herein only to

the Examiner's responses to those arguments at pages 14-15 of the Office Action of September 13, 2007.

With regard to the claimed "forwarding table," the Examiner points to Fig. 11 and col. 28, lines 10-65, of *Albert et al.*, arguing that this

shows the steps that the forwarding agent takes upon receiving a packet. It first identifies using the packet header if there are any special services to be performed on the packet using the fixed or wildcard affinities, it then goes on to perform the actual forwarding services on the packet to the outboard network using the destination address (Office Action of Sept. 13, 2007 –page 14).

Applicants' argument regarding the claimed "forwarding table" was, and is, that there is no indication in *Albert et al.* that a "forwarding table," (the Examiner earlier appeared to be equating this to the wildcard affinity 700, but now seems to focus on the "forwarding agent" in col. 28 of the reference) "is utilized to forward packets between the first and second network interfaces." If the Examiner is relying on Network Interface 260 and Service Manager Interface 258, shown in Fig. 2B of the reference, as the claimed "first and second network interfaces," there is no teaching in *Albert et al.* that the forwarding agent in *Albert et al.* is "utilized to forward packets between the first and second network interfaces." While the Examiner is not clear as to what, in *Albert et al.*, is relied on for a forwarding table being utilized to forward packets between the first and second network interfaces, since the Examiner now cites col. 28 and Fig. 11 of the reference for this claimed feature, perhaps the Examiner is relying on col. 28, lines 52-54, wherein it is stated that "the forwarding agent is distributing packets among a group of servers that service a virtual IP address." But if that is the case, there is no indication that these "servers" are in separate networks, thus needing separate network interfaces. Therefore, the Examiner has not shown where *Albert et al.* discloses a forwarding table (forwarding agent in the Examiner's parlance) **being utilized to forward packets between the first and second**

network interfaces. Since the forwarding agent of *Albert et al.* does not forward packets between first and second network interfaces, there is no anticipation of the present independent claims 1 and 26.

The Examiner also argues that *Albert et al.* teaches “a packet header filter able to identify messages which policy based services are to be implemented” [sic](Office Action of Sept. 13, 2007-page 14), and relies on col. 16, lines 53-57 of the reference, contending “that using wildcard affinities, the forwarding agent is programmed to identify messages from the packet headers which packets or packet flows that service manager is interested in.” The Examiner further identifies col. 17, lines 49-55, of the reference for a showing that the “packet header filter is used to identify packets that need some sort of special performance performed on those packets such as policy based services” (Office Action of Sept. 13, 2007-page 15).

The cited portion of col. 16 reads as follows:

FIG. 7 is a diagram illustrating a wildcard affinity 700. Wildcard affinity 700 is a more general form of Affinity that is used by a service manager to register filters with the forwarding agent(s) that define the range of flows that are of interest to the service manager.

The cited portion of col. 17 reads as follows:

Thus, fixed affinities specify individual flows and packets and wildcard affinities specify sets of flows to be processed in a special way. Such processing is defined by associating actions with the affinities. Actions defined for the affinities specify the service to be performed by the forwarding agent on behalf of the Manager. For fixed affinities, services specified may include:...

However, independent claim 1, for example, requires “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-

based services by the external processor, wherein said packet header filter passes all other received messages through the packet header filter to an other processor.” Independent claim 26 has a similar feature.

The Examiner has failed to identify what it is in *Albert et al.* that is considered to be the claimed “policy-based services,” “identified messages,” “received messages,” and “packet header filter.” While the Examiner has identified certain portions of col. 16 and col. 17 of the reference, the Examiner has not indicated how these portions are deemed to anticipate the instant claim features. Assuming the “service to be performed” at col. 17, line 53, of the reference, is considered by the Examiner to be the claimed “policy-based services,” it is not understood to what in the instant claims do the “affinities” of *Albert et al.* correspond. It is not known what, in the cited portions of *Albert et al.*, corresponds to the claimed “packet header filter,” the claimed “external processor” or the claimed “messages.” In fact, other than to point to col. 12, line 63-col. 13, line 9, and col. 7, line 55-col. 8, line 12, and col. 6, line 48 in the statement of rejection, and to col. 16, lines 53-57, and col. 17, lines 49-55, in responsive arguments, none of these portions indicates any type of “packet header filter,” much less “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor, wherein said packet header filter passes all other received messages through the packet header filter to an other processor.” The Examiner has not identified any one-to-one correspondence between the features and relationships claimed and that disclosed by *Albert et al.*

With regard to passing identified messages via a message interface to an external processor for implementation of the policy-based services by the external processor, the

Examiner points to col. 22, lines 21-30, of *Albert et al.*, explaining that “messages identified by the affinity of the packet header are sent from the forwarding agent to the service manager to perform a number of actions on that packet including packets that met the wildcard affinity to (Office Action of Sept. 13, 2007-page 15). A review of col. 22, lines 21-30, will show that there is nothing therein identifying any “external processor” or a packet header filter identifying “messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor, wherein said packet header filter passes all other received messages through the packet header filter to an other processor.” This claim limitation is simply not there, and the Examiner has not specifically pointed out what he relies on for the very specific claim limitation of “said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor, wherein said packet header filter passes all other received messages through the packet header filter to an other processor.”

The Examiner makes reference to various disparate sections of *Albert et al.* (none of which teaches the features of the instant claims), but the Examiner never brings it all together in any cohesive manner to show a correspondence between these various portions of the reference and the features of the instant claims. Applicants submit that the Examiner has not done so because it cannot be done. The Examiner has shown no evidence of anticipation of the instant claims.

Independent claim 1 also requires “a control interface through which said packet header filter and said forwarding table are programmed.” Independent claim 26 has a similar feature. The Examiner argues that col. 18, lines 23-41, of *Albert et al.* discloses this limitation. The cited portion of *Albert et al.* offers absolutely no teaching of any such “programming” and the Examiner has not specified exactly what language in that cited portion is alleged to teach programming of a forwarding table and a packet header filter. The cited portion of the reference, instead, is directed to different affinities, actions, packets, and other messages sent between a service manager and forwarding agents.

Accordingly, *Albert et al.* does not anticipate claims 1, 2, 4, 7, 16, 22-27, 29, 32, 40, and 46-49 under 35 U.S.C. § 102 (e) and the Examiner is respectfully requested to withdraw the rejection of these claims under 35 U.S.C. § 102 (e).

Since independent claim 50 contains features similar to those of independent claims 1 and 26 discussed above, and the secondary reference to *Amara* does not provide for the deficiencies of *Albert et al.* noted above, no *prima facie* case of obviousness has been established and the Examiner is respectfully requested to withdraw the rejection of claim 50 under 35 U.S.C. § 103 in view of *Albert et al.* failing to teach the message interface, policer, packet header filters, marker, and control interface claimed.

All of the Examiner’s rejections under 35 U.S.C. § 103 are based in whole or in part on *Albert et al.* The reference lacks a teaching of the specific elements and method steps for the reasons above and the reasons given in the previous response of August 17, 2007. Moreover, it would not have been obvious to include the missing elements or steps as the Examiner has established no reason for including such elements and/or steps. Thus, the Examiner should withdraw the rejection of claims 19-21 and 43-45 under 35 U.S.C. § 103 based on *Albert et al.*, alone. Moreover, since neither of *Natarajan*, *Amara* or *Gai* provides for the deficiencies of

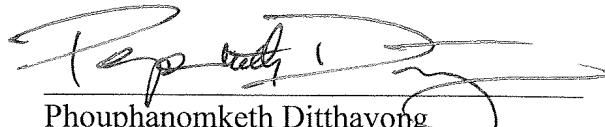
Albert et al., the rejections of claims 3, 5-11, 12-14, 17, 18, 28, 30, 31, 33-38, 41, and 42 under 35 U.S.C. § 103 should also be withdrawn.

Therefore, the present application, in its current state, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

10/12/07
Date


Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9952
Fax. (703) 519-9958